

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Earl Hampton	)	
	)	
Plaintiff,	)	
	)	No: 11-cv-8728
v.	)	
	)	
Weltman, Weinberg & Reis Co., L.P.A., an Ohio	)	
Corporation; Agent Jenny, Individually, and as	)	
agent, apparent agent, servant, and/or employee,	)	
of Weltman, Weinberg & Reis Co., L.P.A.,	)	
	)	JURY DEMANDED
Defendants.	)	

**COMPLAINT AT LAW**

NOW COMES Plaintiff, **Earl Hampton**, by his Attorneys, Robert J. Semrad & Associates, L.L.C., and pursuant to this Complaint at Law, states the following against the above named **Defendants**:

**COUNT I**  
**Plaintiff v. All Defendants**  
**Fair Debt Collection Practices Act**

1. The jurisdiction of the court is invoked pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"). Venue is proper as the actions that give rise to this complaint occurred, **Plaintiff** resides, and **Defendants** conduct business within this District.
2. **Plaintiff** is a citizen of the County of Cook, State of Illinois, and is a "consumer" as that term is defined by 15 U.S.C. § 1692(a)(3).
3. **Defendant, Weltman, Weinberg & Reis Co., L.P.A.**, (hereinafter "**WWR**") is an Ohio Corporation, conducting business in the County of Cook, State of Illinois, and is a "debt collector" as that term is defined by 15 U.S.C. § 1692(a)(6).
4. **Defendant, Agent Jenny**, is a natural person conducting business in the County of Cook, State of Illinois, and is a "debt collector" as that term is defined by 15 U.S.C. § 1692(a)(6).

5. At all relevant times, **Agent Jenny** was the agent, apparent agent, servant, and/or employee of **WWR**, and was acting in the course and scope of her agency, servitude and/or employment.
6. Prior to 2011, **Plaintiff** took out a student loan from Wells Fargo.
7. This loan was for personal use.
8. This loan was a “debt” as that term is defined by 15 U.S.C. § 1692(a)(5).
9. On December 8, 2010, **Agent Jenny** contacted **Plaintiff** by telephone sometime before 8:00 a.m., in an attempt to collect the debt.
10. On December 10, 2010, **Agent Jenny** contacted **Plaintiff** by telephone sometime before 8:00 a.m., in an attempt to collect the debt.
11. Thereafter, **Agent Jenny** contacted **Plaintiff** by telephone at least twice in an attempt to collect the debt.
12. Each telephone call was made prior to 8:00 a.m.
13. The aforementioned telephone calls from **Agent Jenny** to **Plaintiff**, were collection communications in violation of provisions of the FDCPA.
14. As a result of **Defendants’** violations of the FDCPA, **Plaintiff** is entitled to actual damages pursuant to 15 U.S.C. § 1692(k)(a)(1); statutory damages in an amount up to \$1,000.00 per incident pursuant to 15 U.S.C. § 1692(k)(a)(2)(A); and reasonable attorney’s fees and costs pursuant to 15 U.S.C. § 1692(k)(a)(3) from **Defendants**.

**WHEREFORE, Plaintiff** prays that judgment be entered

- against **WWR** and **Agent Jenny**, Individually, and as agent, apparent agent, servant, and/or employee of **WWR**, and each of them, and in favor of **Plaintiff**, for an award of actual damages pursuant to 15 U.S.C. § 1692(k)(a)(1);
- against **WWR** and **Agent Jenny**, Individually, and as agent, apparent agent, servant, and/or employee of **WWR**, and each of them, and in favor of **Plaintiff**, for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692(k)(a)(2)(A);
- against **WWR** and **Agent Jenny**, Individually, and as agent, apparent agent, servant, and/or employee of **WWR**, and each of them, and in favor of **Plaintiff**, for an award of costs of litigation and reasonable attorney’s fees pursuant to 15 U.S.C. § 1692(k)(a)(3); and;
- for any other such further relief as may be just and proper.

Respectfully Submitted,

/s/ Christian D. Elenbaas

Christian D. Elenbaas

ARDC 6291530

Robert J. Semrad & Associates, L.L.C.

*Attorneys for Plaintiff*

20 S. Clark St., 28th Floor

Chicago, Illinois 60603

Ph 312-913-0625 ext. 170

Fax 312-476-8530